



MINUTES

**City of Scottsdale
JUDICIAL APPOINTMENTS ADVISORY BOARD
Regular Meeting
6:00 p.m., Monday, January 11, 2021
Virtual Public Hearing Online**

PRESENT: Stanley Morganstern, Vice Chair
Brian Adamovich, Board Member
Susan Galpin-Tyree, Board Member
Robert Gruler, Jr., Board Member
Judge Joseph Kiefer, Board Member
Judge Susan Marwil, Board Member
Tricia Schafer, Board Member

STAFF: Autumn Asmus, Staff Coordinator

CALL TO ORDER

The meeting was called to order at 6:05 p.m.

ROLL CALL

A formal roll call confirmed the presence of Board Members as noted above. Vice Chair Morganstern welcomed new members to the meeting, informing them that he has been on the Board since 2015 and that his term ends in February, 2021. He explained the process for convening into Executive Session, if needed.

1. REAPPOINTMENT OF BOARD MEMBER

Vice Chair Morganstern congratulated Brian Adamovich, Citizen Member, for his reappointment.

2. APPOINTMENT OF THREE NEW BOARD MEMBERS

Vice Chair Morganstern announced the appointment of new Arizona Superior Court Appointee Board Members, Judge Joseph Kiefer, Arizona Supreme Court appointee board member, Judge Suzanne Marwil, and Arizona State Bar Association board member Tricia Schafer.

3. ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

Vice Chair Morganstern invited nominations and/or volunteers for Chair. Board Member Gruler volunteered to serve in either position.

BOARD MEMBER MARWIL MOVED TO APPROVE THE NOMINATION OF BOARD MEMBER GRULER AS THE NEW CHAIRMAN OF THE JUDICIAL APPOINTMENTS ADVISORY BOARD. BOARD MEMBER GALPIN-TYREE SECONDED THE MOTION, WHICH CARRIED 7-0 WITH VICE CHAIR MORGANSTERN AND BOARD MEMBERS ADAMOVICH, GALPIN-TYREE, GRULER, KIEFER, MARWIL AND SCHAFFER VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

Vice Chair Morganstern invited nominations and/or volunteers for Vice Chair. Board Member Galpin-Tyree volunteered to serve as Vice Chair.

CHAIR GRULER MOVED TO APPROVE THE NOMINATION OF BOARD MEMBER GALPIN-TYREE AS THE NEW VICE CHAIR OF THE JUDICIAL APPOINTMENTS ADVISORY BOARD. BOARD MEMBER MARWIL SECONDED THE MOTION, WHICH CARRIED 7-0 WITH CHAIR GRULER AND BOARD MEMBERS MORGANSTERN, ADAMOVICH, GALPIN-TYREE, KIEFER, MARWIL AND SCHAFFER VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

Reporter's Note: Board Member Morganstern continued to chair the meeting through completion.

4. APPROVAL OF MINUTES OF PUBLIC MEETING CONDUCTED JANUARY 17, 2018

Board Member Morganstern invited a motion to approve the minutes.

VICE CHAIR GALPIN-TYREE MOVED TO APPROVE THE MINUTES OF JANUARY 17, 2018 AS PRESENTED. BOARD MEMBER ADAMOVICH SECONDED THE MOTION, WHICH CARRIED 6-0 WITH CHAIR GRULER, VICE CHAIR GALPIN-TYREE AND BOARD MEMBERS MORGANSTERN, ADAMOVICH, KIEFER, AND MARWIL VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES. BOARD MEMBER SCHAFFER ABSTAINED.

5. APPROVAL OF 2018 JAAB ANNUAL REPORT

Board Member Morganstern invited a motion to approve the 2018 JAAB Annual Report.

CHAIR GRULER MOVED TO APPROVE THE 2018 JAAB ANNUAL REPORT. BOARD MEMBER ADAMOVICH SECONDED THE MOTION, WHICH CARRIED 6-0 WITH CHAIR GRULER, VICE CHAIR GALPIN-TYREE AND BOARD MEMBERS MORGANSTERN, ADAMOVICH, KIEFER, AND MARWIL VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES. BOARD MEMBER SCHAFFER ABSTAINED.

6. APPROVAL OF 2019 JAAB ANNUAL REPORT

CHAIR GRULER MOVED TO APPROVE THE 2018 JAAB ANNUAL REPORT. BOARD MEMBER ADAMOVICH SECONDED THE MOTION, WHICH CARRIED 6-0 WITH CHAIR

GRULER, VICE CHAIR GALPIN-TYREE AND BOARD MEMBERS MORGANSTERN, ADAMOVICH, KIEFER, AND MARWIL VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES. BOARD MEMBER SCHAFFER ABSTAINED.

7. APPROVAL OF 2020 JAAB ANNUAL REPORT

Board Member Morganstern invited a motion to approve the 2020 JAAB Annual Report.

VICE CHAIR GALPIN-TYREE MOVED TO APPROVE THE 2020 JAAB ANNUAL REPORT. BOARD MEMBER ADAMOVICH SECONDED THE MOTION, WHICH CARRIED 6-0 WITH CHAIR GRULER, VICE CHAIR GALPIN-TYREE AND BOARD MEMBERS MORGANSTERN, ADAMOVICH, KIEFER, AND MARWIL VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES. BOARD MEMBER SCHAFFER ABSTAINED.

8. PUBLIC COMMENT

There were no comments submitted.

9. DISCUSS TIMELINE FOR JUDGE OREST JEJNA'S JUDICIAL REAPPOINTMENT

Board Member Morganstern invited Ms. Asmus to provide guidance on how the process would proceed.

Ms. Asmus' comments were recorded as follows:

"I'm not sure. I just want to go over the last couple months. I put a tentative date for our next meeting on the 10th, but then realized that the due diligence isn't due back until the 12th, so if we could do the 16th of February. And then that gives me two weeks to submit it to Council. It expires on the 30th of April and we have to go to Council by the 16th of March."

Board Member Kiefer concurred with the timeline.

Chair Gruler questioned whether there would be adequate review time prior to the meeting on the 16th.

Ms. Asmus' response was recorded as follows:

"I will sending out the names of the people that you guys are going to be calling. Each board member is going to get a list of people that they have to call and then all that is compiled. And then as soon as I get it compiled, I can send it out before our meeting on the 16th, if that's what we decide."

Board Member Kiefer commented that Monday the 16th is a City holiday.

Board Marwil posed a question, which was recorded with the answer as responses follows:

“When we get our due diligence assignments, do we also get instructions as to what topics we’re to cover since I moved to this board?”

Ms. Asmus:

“Yes, there will be some directions. Yes, ma’am.”

Board Member Marwil:

“Okay, great. I just wanted to make sure that we would know what exactly we were supposed to do with it. I have my own ideas, but I’m sure the City wants to cover specific topics as well.”

Board Member Morganstern:

“I think if you review the minutes of the 2018 meeting, you get a pretty good idea of how that is handled, that particular meeting, the comments by the judges and public and the questions that are asked for the judges.”

10. DISCUSS TIMELINE FOR JUDGE JAMES BLAKE'S JUDICIAL REAPPOINTMENT

Board Member Morganstern invited questions on the timeline.

Chair Gruler commented that the timeline occurs after two to three months.

Ms. Asmus replied and her comments were recorded as follows;

“Correct. He expires in September, but the reason why it has to go to Council in June is because there’s no Council meetings in July or August. So he’s moved up because of the no Council meetings.”

Chair Gruler:

“Well, I think that works and so we’ll do one round of calls and interviews and then another round.”

Ms. Asmus concurred.

11. FUTURE AGENDA ITEMS

Set a date in February for public hearing to review survey data and develop interview questions. Interview the incumbent judge and formulate a recommendation to City Council.

Ms. Asmus’ comments were recorded as follows:

“That was the one that I was asking to move to February 16th, if February 16th works for everybody.”

Board Member Kiefer posed questions as follows:

"I'm new to your process as well. So I understand we're talking about setting a meeting in mid-February, the 16th for, in part, at least, a review of due diligence information on this reappointment issue for one of the judges. I guess we're not really setting any other deadlines for the judge, who's highlighted a little bit further out for the review, but this body typically has monthly meetings or just -- is it more ad hoc as issues arise and then we set meetings on tasks or events?"

Ms. Amus' reply was recorded as follows:

"I believe these meeting have been typically when -- as needed for reappointments, correct, Stanley?"

Board member Morganstern agreed with the reply, stating:

"Yes, that's correct. As you can see from the annual reports, we have not had a meeting in 2019 or 2020, because none of the judges were up for reappointment during that time. And the meeting on 16th of February will include conversations with the judge, at which point in time, members of the panel, the Board, will get to ask the judge any questions they want to, based upon both the reports and the surveys and the judge's comments that are made during that meeting. So that really is the final step that the Board takes. And the next step is simply a report to the Council as to our recommendation."

Board Member Kiefer sought clarification that the early part of the meeting on the 16th would include a review by the Board of the reappointment application and survey data and asked for confirmation that the interviews would also take place on February 16th. Ms. Asmus and Board Member Morganstern confirmed this understanding. At the February 16th meeting, the Board will discuss the process for a future meeting and similar process for Judge Blake.

ADJOURNMENT

With no further business to discuss, and being duly moved by Chair Gruler and seconded by Vice Chair Galpin-Tyree, the meeting of the Judicial Appointments Advisory Board adjourned at 6:27 p.m.

AYES: Chair Gruler, Vice Galpin-Tyree, Board Members Morganstern, Adamovich, Kiefer, Marwil and Schafer

NAYS: None

SUBMITTED BY:

eScribers, LLC

Respectfully submitted,
Autumn Asmus
Staff Coordinator

Reviewed by,
Robert Gruler
JAAB Chairperson